

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

EIGHTSTAR DIAMOND COMPANY,

Defendant.

CIVIL ACTION NO. 04-12258-JLT

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO SUBMIT REPLY
BRIEF IN FURTHER SUPPORT OF MOTION TO AMEND**

Plaintiff Hearts On Fire Company, LLC (“HOF”) moves for leave to submit a Reply in Further Support of its Motion to Amend the Complaint in this matter. In support of this motion for leave, HOF states the following:

1. In its opposition to HOF’s Motion to Amend, Defendant EightStar Diamond Company (“EightStar”) has injected issues into the case that HOF has not had an opportunity to address. Specifically, EightStar argues that HOF’s motion to amend is futile due to EightStar’s claim that the Court lacks personal jurisdiction over the new defendant, GRS Jewelers, Inc. d/b/a Grimball & Stokes Jewelers a/k/a Grimball Jewelers, and due to EightStar’s claim that the transactions and actions at issue in HOF’s G.L. 93A claim did not occur primarily and substantially in Massachusetts.

2. In order to address EightStar’s arguments, it is necessary for HOF to respond with a short reply brief.

3. HOF respectfully believes that the attached reply brief will assist the Court in its consideration of HOF’s Motion to Amend.

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WHEREFORE, HOF requests that this Court grant HOF leave to file a Reply Brief in Further Support of its Motion to Amend.

HEARTS ON FIRE COMPANY, LLC

By its attorneys,

/s/ Mark D. Robins

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Dated: January 31, 2005

Certification of Compliance with Local Rule 7.1(A)(2)

I, Mark D. Robins, Esq., hereby certify that on January 31, 2005, I conferred with counsel for defendant, Adele Conover, in an attempt to resolve or narrow the matters contained in this motion. Ms. Conover indicated that defendant would not oppose HOF's motion for leave to file a reply brief.

/s/ Mark D. Robins

Mark D. Robins